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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,896	02/13/2001	Dan Kikinis	004688.P018	3324

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EXAMINER

RAMAN, USHA

ART UNIT PAPER NUMBER

2616

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/782,896

Applicant(s)

KIKINIS, DAN

Examiner

Usha Raman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Arguments***

1. Applicant's arguments filed on January 3<sup>rd</sup>, 2005 have been fully considered but they are not persuasive. Applicant argues that Rosser does not teach the step of a set top box identifying 2-D images within advertisements prior to generation of the enhanced 3-D advertisement. The examiner respectfully disagrees. The set top box comprises means to interpret the information encoded into the video signal and the encoded information includes information such as indicia, program code, etc. instructing the set top box to generate a 3-D rendering of a 2-D video. See column 7, lines 34-38 and lines 46-58. Therefore, in interpreting the encoded video with commands, the set top box is "identifying" the cues for insertion of VRML objects thereby creating an enhanced 3-D advertisement. As a result, the examiner maintains rejection.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:  
  

A person shall be entitled to a patent unless –(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
3. Claims 1-5, 7-11, 13-17, and 19-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Rosser (6,446,261).

In regards to claim 1 and 7, Rosser discloses a method for providing enhanced advertising of a 2-D video broadcast (see column 3, lines 22-25, column 5, lines 25-33, and column 10, lines 36-51), comprising the steps of receiving the 2-D video broadcast from the head end, containing a 2-D video

(advertisement) with having a 2-D image, "identifying" the 2-D image within the video via indicia, at the set top box, thereby identifying the image based on its characteristics (i.e. indicia) and exclusively at the viewer's equipment (i.e. the slave still identifies the indicia inserted in order to do a 3-D rendering) (see column 7, lines 46-51), storing the VRML (i.e. 3-D) objects as the "matching" enhanced advertisements to be integrated into the video, and retrieving that from the image library, and using seamlessly integrating the VRML object into the 2-D advertisement for generating a an enhanced advertisement with 3-D highlighted rendering of the image instead of the 2-D image (i.e. upon warping the image, the advertisement presented is a 3-D rendered image and no longer a 2-D image). See column 4, lines 55-60 and column 7, lines 55-58, column 11, lines 40-61

In further regards to claims 13 and 19, Rosser's system embodies the methods disclosed in claim 1 in a computer readable medium (i.e. the set top box) having the necessary stored instructions in order to perform the recited steps.

In regards to claims 2, 8, 14, and 20, Rosser discloses that there are one or more images (indicia) within the first advertisement. See column 7, lines 5-14.

In regards to claims 3, 9, 15, and 21, Rosser discloses that the enhanced VRML objects can be stored locally, at the set top box. Note column 4, lines 55-60 and column 7, lines 55-58. Therefore, upon receiving the indicia, the appropriate VRML object is retrieved and inserted into the video. Such retrieval

inherently requires a "look up table" for locating the VRML object stored locally in the set top box.

In regards to claims 4, 10, 16, and 22, Rosser discloses that the enhanced, 3-D rendered advertisement can be displayed on a television monitor, a computer monitor and such means. See column 7, lines 24-28.

In regards to claims 5, 11, and 17, Rosser teaches the method of warping images/text into the video, therefore also comprises the step of overlaying the additional data over the image in the 2-D advertisement. Note column 10, lines 31-40.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6, 12 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosser (US Pat. 6,446,261).

In regards to claims 6, 12, and 18, Rosser does not teach the method of overlaying specular lighting and shading over the image.

Official notice is taken that it is well known to overlay specular lighting and shading on images to give them natural reflective and shading qualities, making them appear as a realistic 3-D image. As an example, Rosser et al. (US Pat. 5,264,933) further discloses adjusting color, and contrast ratios for giving the

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inserted image a realistic appearance, as if it were part of the original video.

Note column 8, lines 48-column 9, line 24 in Rosser et al.

It would have been obvious to one of ordinary skill in the art to adjust the specular lighting and the shading of the image, in order to give it a more realistic, 3-D appearance.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usha Raman whose telephone number is (571) 272-7380. The examiner can normally be reached on Mon-Fri: 9am-6pm.

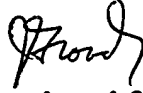
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The

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fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

UR

  
James J. Groody  
Supervisory Patent Examiner  
Art Unit 262 2616